

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

HARIS QAMAR

Defendant.

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No. 1:16 cr 227

STATEMENT OF FACTS

The United States and the defendant, HARIS QAMAR, agree that the United States would have proven at trial the following facts beyond a reasonable doubt with admissible and credible evidence:

1. Beginning in or about April 2016, and continuing through June 10, 2016, within Arlington County in the Eastern District of Virginia and elsewhere, the defendant, Haris Qamar, knowingly and unlawfully attempted to provide material support and resources to a designated foreign terrorist organization, namely the Islamic State of Iraq and the Levant ("ISIL"), also known as the Islamic State of Iraq and Syria ("ISIS") and other names, in that, as more particularly described below, Qamar attempted to provide (1) gift cards to facilitate the transfer of funds to ISIL, and (2) photographs of buildings, landmarks, and transportation infrastructure in Northern Virginia and the Washington, D.C., metropolitan area, intending that such photographs be provided to, and used by, ISIL.

2. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially

Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the ISIL listing: Islamic State, ISIL, and ISIS. Although the group has never called itself "Al-Qaeda in Iraq (AQI)," this name has frequently been used to describe it through its history. To date, ISIL remains a designated FTO.¹

3. Haris Qamar is a United States citizen who was born in 1990 in Brooklyn, New York, and resides in Burke, Virginia. Until his arrest in July 2016, Qamar worked at various storage facilities in Northern Virginia.

4. In 2015 and 2016, Qamar used scores of variations of the handle "newerajihadi" (such as "newerajihadi21; newerajihadi22; newerajihadi23, etc.) to make posts on Twitter that were openly supportive of the Islamic State. As Twitter, Inc. closed older accounts, Qamar opened newer ones with higher numbers appended to the "newerajihadi" body.

5. On September 25, 2015, Qamar told a confidential witness, referred to herein as "CW", that Qamar tried to join the Islamic State in 2014, but that his parents prevented him from

¹ All of the defendant's references in this Statement of Facts to "the Islamic State," "ISIS," and "Dawlah," are understood to be references to ISIL, a designated foreign terrorist organization.

going. Qamar said that his parents threatened to notify law enforcement authorities. Qamar said that he fought with his father and called his father a traitor to Islam.

6. On October 9, 2015, Qamar told CW that, prior to traveling to join the Islamic State, Qamar was trying to get a passport renewed because his old passport had expired. Qamar said that his parents control his passport, and that he tried to go without them finding out. He said that he attempted to get his passport from his parents when he got a new job by telling them he needed it as a second form of identification. On January 4, 2016, Qamar told CW that he tried to get a new passport in person, but was told that he needed his expired passport to renew it or his birth certificate to obtain a new one. Qamar said that he was unable to leave because his passport had expired, and that he was unable to renew it because his parents took the expired passport and his birth certificate away from him. On March 16, 2016, Qamar told CW that he bought an airline ticket and lost \$700.

7. On November 18, 2015, CW asked Qamar if his father gave him back his passport would he go and join the Islamic State. In response, Qamar said, if that happened, "I'm done, I leave."

8. According to records obtained from an airline company, on July 22, 2014, Qamar purchased a ticket to fly from Newark, New Jersey, to Istanbul, Turkey on July 27, 2014, for \$686.85, but failed to show up for the flight.

9. On September 18, 2015, Qamar quoted Anwar al-Awlaki, and, referring to dying on the battlefield as a martyr for Islam, told CW that "you either die a shaheed or you die a coward."

10. On October 16, 2015, CW told Qamar that Qamar did not have to travel to join ISIL in order to be seen as a martyr in the eyes of Allah, and that he would die a martyr for Islam so

long as his heart was on the battlefield, even if he dies in his bed. Qamar responded that Qamar did not want to risk going to hell, and that dying as a martyr on the battlefield was a guaranteed way of avoiding that risk.

11. On November 20, 2015, CW and Qamar spoke about Qamar joining and/or aiding the Islamic State. Qamar said that his parents knew that he was a fan of the Islamic State, and that, as a result, his parents wanted him to get married. Qamar said that he told his parents that he would not marry anyone that was not a supporter of the Islamic State. Qamar said that, even if he had a nice house and a profitable business, he would attempt to find a way to funnel money to the Islamic State until he left the country or got caught. He said that he wanted to live and have his kids in the Islamic State, and not in the United States

12. On November 28, 2015, Qamar initially told CW that the only thing keeping Qamar in the United States was his family, and he would join the Islamic State if he did not have a family. Qamar then claimed that that he would in fact go despite his family, but that they were controlling his passport.

13. On December 1, 2015, Qamar told CW that, if Qamar's father learned that Qamar joined the Islamic State, his father would sell their house, destroy his youngest brother, and possibly commit suicide.

14. On December 3, 2015, Qamar told CW that Qamar felt like he needed to start preparing for a trip to join the Islamic State, such as by saving money. Qamar said that he needed to be ready to go if Qamar and CW needed to go at a moment's notice. Qamar speculated that he should buy a plane ticket and have it ready.

15. On December 16, 2015, CW told Qamar that CW planned to travel overseas for the purposes of joining ISIL. CW told Qamar that there was a small window of opportunity for both

of them to go join “Dawlah.” Qamar told CW “Insha’Allah when you do go I’ll follow insha’Allah soon after. Save me a spot.”

16. On January 7, 2016, CW and Qamar again discussed CW’s plans to join ISIL, and the possibility of Qamar joining him in doing so. Qamar said that he wanted to go, but that his parents did not want him to do so. Qamar told CW about a fight that Qamar had with his father and brother about Qamar’s support for the Islamic State in late 2015. Qamar exhibited ambivalence when CW offered to help Qamar obtain a new birth certificate so that he could obtain a new passport without his parents’ knowledge.

17. On January 12, 2016, Qamar told CW that Qamar wanted to fight for the Islamic State for the sake of Allah, but that he did not want to “jump on the train” and follow everyone, or do so because of peer pressure. When CW asked whether Qamar felt that CW was pressuring Qamar to join the Islamic State, Qamar responded “No, no no.”

18. On January 27, 2016, CW told Qamar that it appeared that Qamar was not ready to travel to join the Islamic State. In response, Qamar said that “insha’Allah one day.” Qamar stated that his father would die of shock if Qamar left the United States to join the Islamic State, and that Qamar was concerned about what would happen to his mother and youngest brother.

19. On February 14, 2016, Qamar told CW of Qamar’s frustration that, despite his wish to sever heads, he could not “do anything from here. I can’t do anything and I can’t take it.”

20. On February 27, 2016, Qamar told CW that he was jealous of the “brothers” fighting for the Islamic State, and prayed that someday he would end up over there. Qamar again spoke of his frustration because he could not do anything in the United States.

21. On March 16, 2016, CW told Qamar that, due to issues with his connections overseas, CW no longer could travel to join the Islamic State. Qamar consoled CW, saying “trust me,

we'll go one day...we'll go one day insha'Allah, we will have money and we will go and we'll go at a time where, we'll see we'll see."

22. On April 2, 2016, CW told Qamar that CW's cousin (referred to herein as "Cousin") had successfully made it to an Islamic State camp and was working with the Islamic State to help bring fighters to the Islamic State from the West. CW said that Cousin uses an encrypted messaging application to communicate with individuals in the West. CW showed Qamar several Google Play Store gift cards, and told Qamar that Cousin asked for gift cards to the Google Play Store so that Cousin could purchase accounts on that encrypted messaging application. CW told Qamar that the gift cards are used to create encrypted messaging application accounts to bring the fighters/mujahedeen in to the Islamic State. CW told Qamar that the individuals who were going to receive guidance through accounts made on an encrypted messaging application that were paid for with the gift card codes purchased by Qamar were going to be fighters traveling to join ISIL.

23. CW said that he needed to buy a bunch of the gift cards. Qamar said that a local convenience store had them. CW asked if Qamar would buy four or five cards. Qamar agreed that he would purchase cards for CW. Qamar said that he would probably start on Thursday when he got paid. CW said that CW could give Qamar cash if Qamar needed it. Qamar told CW that Qamar had "zero money." CW said that CW would give Qamar \$40, so that Qamar could buy four of the \$10 gift cards.

24. After Qamar agreed to purchase the Google Play Store gift cards, Qamar read off the codes on the back of the gift cards that CW already had, to assist CW in sending the codes to Cousin through an encrypted messaging application account on CW's phone. Qamar made sure

to ask if CW purchased the cards with cash. In fact, the encrypted messaging application account that received the codes was controlled by the FBI.

25. On April 8, 2016, Qamar provided CW with four \$10 Google Play Store gift cards, which Qamar had purchased during the week prior using money given to him by CW. CW said that Cousin appreciated the codes that were sent the week prior. CW told Qamar that Cousin told CW to keep sending the codes. CW told Qamar that he and Qamar were going to send a “flood of mujahedeen.” Qamar told CW that, based on the cards they purchased, he estimated that they had enabled ISIL to buy encrypted messaging application accounts for sixteen people. When CW said that helping the “brothers” through buying the gift cards was like being over there, Qamar replied that it did not feel like it was even close to what they were doing in ISIL territory.

26. Once again, Qamar read off the codes on the back of the gift cards, to assist CW in sending the codes to Cousin through an encrypted messaging application account on CW’s phone. After Qamar and CW sent the rest of the codes off the gift cards to Cousin, CW asked Qamar to purchase more gift cards and Qamar agreed to do so. Once again, the encrypted messaging application account that received the codes was, in fact, controlled by the FBI.

27. On April 15, 2016, Qamar met with CW and said that Qamar had not purchased any gift cards; Qamar said that he could not afford to do so and that he gives half his paycheck to his parents. CW brought four Google Play Store gift cards of his own. Qamar typed the codes on the back of the gift cards into CW’s phone, and sent the codes to Cousin. Once again, the FBI received them.

28. On April 20, 2016, CW told Qamar that Qamar had been spending a lot of money on wasteful things, and asked Qamar to remember to get some more gift cards. They met again on

April 22, 2016, and Qamar again said that he had not purchased any gift cards. CW told Qamar that CW was disappointed in Qamar. Qamar said that he planned to purchase gift cards once he cashed his check, but that he could purchase gift cards with money that he had in his pocket right now. CW agreed to go with Qamar and purchase gift cards.

29. Qamar and CW drove to a local grocery store. Qamar entered the store alone, and returned a few minutes later with two Google Play Store gift cards. Qamar and CW then sent the codes off of the back of the gift cards via the encrypted messaging application account to Cousin (and the FBI received them). Qamar and CW discussed what to do with the receipt for the gift cards that Qamar had just purchased. Qamar then ate the receipt.

30. On April 25, 2016, Qamar met CW and told CW that Qamar had obtained two Google Play Store gift cards. Qamar told CW that Qamar would buy more gift cards once Qamar received his paycheck. Qamar and CW then sent the codes off the back of the gift cards to Cousin (and the FBI received them). Video surveillance of the convenience store near Qamar's workplace showed Qamar purchasing two Google Play Store gift cards on April 25, 2016.

31. Later during their conversation on April 25, 2016, Qamar said that he would do anything to be able join ISIL, but that his biggest obstacle was his parents. CW said that Qamar needed to respect his parents. Qamar said that his parents were asking him to do something that was tearing his heart apart. CW said that the reality was that they could not go to join ISIL now. Qamar said that "if the most we can do is just keep supplying them with these cards until we die, I will keep supplying them as much as I can."

32. On May 26, 2016, Qamar and CW discussed a video that ISIL was purportedly making to encourage lone wolf attacks in Washington, D.C. CW told Qamar that Cousin was

assisting the Islamic State in making that video, and had asked CW to provide photographs of sites in and around Washington, D.C., for use in the video. In response, Qamar offered CW ideas of where to go to take these photographs. Qamar's list included a number of D.C. locations and landmarks, including specific locations and landmarks in Arlington, Virginia, which could be targeted for terrorist attacks. Qamar said one of those locations was particularly good "because it is fucking terrifying."

33. Qamar said that taking photographs and providing them to the Islamic State was different from being a "fanboy" online, and constituted active support for ISIL. Qamar said that, once the photos come out in the video, the U.S. government would try to figure out who took the photos. Qamar told CW that phones have GPS, and everything is recorded. Qamar said that, as a result, that CW should purchase and use a cheap digital camera for the photos instead of taking them with his cell phone. Qamar reminded CW to pay cash for the camera and not use a credit card. Qamar told CW to upload the pictures to the internet via a wi-fi connection at a coffee shop or store that provides a wi-fi connection, and to use anonymization software.

34. On June 3, 2016, Qamar offered to assist CW in taking the photographs. That same day, CW picked up Qamar in Springfield, Virginia, in a car that the FBI had fitted with a video recorder. CW wore an audio recorder.

35. In the car, CW told Qamar that Cousin loved Qamar's ideas about targeting particular D.C. area locations and landmarks. CW said that CW was going to drive by those places, because Cousin wanted the pictures that very week. As CW drove them to a location in Arlington, Virginia with a view of particular locations and landmarks in Virginia and Washington, D.C., Qamar told CW that they should take pictures along the way. As Qamar and CW approached that location, Qamar began to take video and photographs outside the car

window. Qamar told CW that they needed to make sure that they kept their reflections out of the mirrors lest the government identify them through finding their reflection in a mirror on a photograph.

36. As Qamar and CW arrived, FBI agents observed them taking photographs at the above mentioned location in Arlington, Virginia. FBI agents observed Qamar taking photographs as CW held something out in front of Qamar. As explained below, CW later provided to the FBI the camera used by Qamar and CW to take those photographs; the photograph taken by Qamar was that of the cell phone held by CW bearing a photo of the black flag of ISIL in the foreground, with a view of a potential target of a terrorist attack in the background.

37. After that location, CW and Qamar headed across the 14th Street Bridge into Washington, D.C. CW reported that, as CW drove the car, Qamar took photographs of various landmarks and locations in Washington, D.C. CW and Qamar then drove back into Virginia across the 14th Street Bridge. As they drove past the Pentagon, Qamar took a video of the Pentagon and yelled a slogan indicating support for the expansion of ISIL. Qamar said "bye bye DC, stupid ass kufar, kill'em all." Qamar said that he hates the United States and hates being here; he said that he gets a "burning sensation in my body because this place is so disgusting."

38. After Qamar and CW stopped for dinner, Qamar said that he learned to be a chameleon, and that he could lie about anything. When CW asked if Qamar was lying about his support for ISIL, Qamar said that he was not lying about that. Qamar said, "I'm a professional liar, how do you think I'm a Dawlah supporter and no one fucking knows?"

39. After dinner, Qamar reminded CW to check the photographs before uploading to ensure that they did not contain reflections of Qamar or CW. Qamar advised CW to open a

Gmail account, and upload the photographs to that account. Rather than emailing the photos to Cousin, Qamar advised CW to give Cousin the user name and password for the Gmail account, so that Cousin could log into the account and download the photographs himself. Qamar said that if CW gets caught, CW could claim the account was hacked.

40. CW paid for their dinner after Qamar realized that Qamar left his money in Qamar's car when CW picked him up earlier that day. When CW dropped Qamar off at Qamar's car, Qamar gave CW money to cover his portion of the cost of the dinner. Later, they arranged to meet again on June 10, 2016, to take additional photographs for use in an ISIL video.

41. CW provided to the FBI the camera containing the photos taken by CW and Qamar on June 3, 2016, as well as the audio recording of his meeting with Qamar.

42. On June 10, 2016, CW and Qamar met again with the purpose of taking additional photographs to provide to Cousin. CW picked Qamar up in Springfield, Virginia, and they drove to a particular location in Arlington, Virginia. At that location, the FBI observed Qamar taking photographs. Qamar and the CW then proceeded to two other landmarks in Arlington, Virginia, and they were observed taking photographs at each location by FBI personnel.

43. CW reported that, later in the evening, Qamar asked CW where the orders were coming from to take the photographs. Qamar said he did not care, as long as the photographs were going to Dawlah. Qamar asked whether CW had uploaded the photographs taken on June 3rd, in the manner in which Qamar coached CW to do so (and was told that CW had done so).

This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

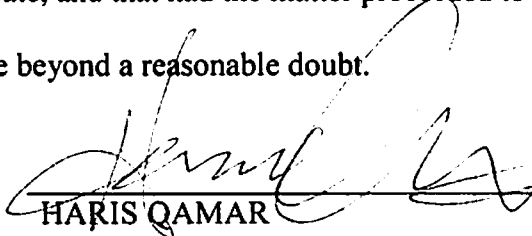
Dana J. Boente
United States Attorney

By:


Gordon D. Kromberg
Assistant United States Attorney

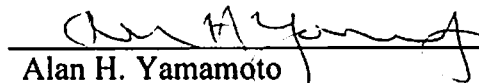
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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, HARIS QAMAR, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



HARIS QAMAR
Defendant

I am Alan H. Yamamoto, the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Alan H. Yamamoto
Attorney for HARIS QAMAR